

FILED

DISTRICT COURT OF GUAM

JUN 12 2006 *Wb*

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM

UNITED STATES OF AMERICA,)
Plaintiff,)
)
vs.)
)
CHRISTOPHER M. ESPINOSA)
Defendant.)
_____)

CRIMINAL CASE NO. 05-00053-001

MODIFICATION REPORT

Re: Request for Modification of Release Conditions

On May 8, 2006, Christopher M. Espinosa was brought before Magistrate Judge Joaquin V.E. Manibusan in the U.S. District Court of Guam for a Change of Plea Hearing relative to a Third Superseding Indictment. The defendant pled guilty to Count I: Conspiracy to Distribute Methamphetamine Hydrochloride, in violation of 21 U.S.C. §§ 841(a)(1) and 846, and Count III: Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. § 1956(h). On May 10, 2006, the Court released the defendant on the following conditions as stipulated by the parties: that the defendant live with his father, Anthony Lujan; report to the U.S. Probation Office for supervision; maintain or actively seek employment; surrender his passport to the Clerk of Court of the U.S. District Court of Guam; obtain no passport; remain at a fixed address and not change residence without prior notice to the U.S. Probation Office; refrain from possessing a firearm, destructive device or other dangerous weapons; refrain from excessive use of alcohol; refrain from any unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed practitioner; report as soon as possible to the pretrial services officer or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop; not leave the territory of Guam without permission from the U.S. Probation Office and the Court; stay away from all ports of entry and exit unless given permission by the U.S. Probation Office and the Court; and submit a complete and written monthly supervision report to the U.S. Probation Office between the 1st and the 5th of each month. The Court set sentencing for August 28, 2006.

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Re: ESPINOSA, Christopher M.

USDC Cr. Cs. No. 05-00053-001

June 12, 2006

Page 2

Upon review of Mr. Espinosa's pretrial release conditions, this Officer noted that a condition for drug testing was not ordered by the Court. Given that the offense of conviction is drug-related, it is respectfully recommended that the Court modify release conditions to include the following:


The defendant shall submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.

Mr. Espinosa and defense counsel, G. Patrick Civile have reviewed the proposed condition and have concurred that the modification is appropriate. This probation officer respectfully recommends that the Court modify the pretrial release conditions, pursuant to 18 U.S.C. §3142(c)(3).

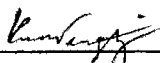
RESPECTFULLY submitted this 12th day of June 2006.

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:


ROBERT I. CARREON
U.S. Probation Officer

Reviewed by:


ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: Karon V. Johnson, AUSA
G. Patrick Civile, Defense Counsel
File